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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

FIDELITY MORTGAGE CORPORATION,
and NICHOLAS HAINES, Vice President
and Designated Broker, and SCOTT
BRITTENHAM, President,

Respondents.

NO. C-03-172-05-CO03

CONSENT ORDER

SCOTT BRITTENHAM

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Chuck Cross, Division Director, Division of Consumer Services, and Scott Brittenham (Respondent Brittenham) by and through his attorney Greg Cavagnaro, and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent Brittenham have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-03-172-04-SC01 (Statement of Charges), entered November 12, 2004, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent Brittenham hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges as it pertains to Respondent Brittenham.

Based upon the foregoing:

CONSENT ORDER
SCOTT BRITTENHAM

1 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the
2 activities discussed herein.

3 B. **Waiver of Hearing.** It is AGREED that Respondent Brittenham has been informed of the right to a
4 hearing before an administrative law judge, and that Respondent Brittenham has waived the right to a hearing and
5 any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached
6 herein. Accordingly, Respondent Brittenham agrees to withdraw the appeal and to inform the Office of
7 Administrative Hearings in writing of the withdrawal.

8 C. **Prohibition from Industry.** It is AGREED that Respondent Brittenham is prohibited from
9 participating in the conduct of the affairs of any mortgage broker licensed by the Department or any mortgage
10 broker exempt from Washington law under RCW 19.146.020(1)(d) or (f) for ten (10) years from the date of entry
11 of this Consent Order in any capacity, including but not limited to: (1) any financial capacity whether active or
12 passive or (2) as an officer, director, principal, designated broker, employee, or loan originator.

13 D. **Application for Mortgage Broker License.** It is AGREED that Respondent Brittenham shall not
14 apply to the Department for a mortgage broker license under any name for a period of ten (10) years from the date
15 of entry of this Consent Order. It is further AGREED that, should Respondent Brittenham apply to the
16 Department for a mortgage broker license at any time later than ten (10) years from the date of entry of this
17 Consent Order, Respondent Brittenham shall be required to meet any and all application requirements in effect at
18 that time.

19 E. **Annual Assessments.** It is AGREED that Respondent Brittenham shall pay to the Department the
20 cumulative delinquent main office and branch office annual assessments due through December 31, 2004 totaling
21 \$1,592.58 (\$530.86 each for the main office and branch office year ended December 31, 2004 and the branch
22 office year ended December 31, 2003) in the form of a cashier's check made payable to the "Washington State
23 Treasurer" upon entry of this Consent Order. Said annual assessments shall be paid on behalf of Respondent
24 Brittenham, Respondent Fidelity Mortgage Corporation, and Respondent Nicholas Haines, each of which share
25 joint and several liability.

1 **F. Restitution.** It is AGREED that Respondent Brittenham shall upon entry of this Consent Order
2 provide his attorney with a cashier's check in the amount of \$8,467.00 representing the restitution due to the
3 injured borrowers named below. It is FURTHER AGREED that Respondent Brittenham shall make restitution on
4 behalf of himself, Respondent Fidelity Mortgage Corporation, and Respondent Nicholas Haines, each of which
5 share joint and several liability for said restitution, within ten (10) days of the entry of this Consent Order as
6 follows:

- 7 1. \$977.06 to Dan Mythen; and
- 8 2. \$2,235.40 to Michael Schroeder; and
- 9 3. \$2,254.54 to Arthur and Pietra Gaebel; and
- 10 4. \$300.00 to Wendi Maynard; and
- 11 5. \$300.00 to Julie Larsen; and
- 12 6. \$300.00 to John Wallace; and
7. \$800.00 to William Maynard; and
8. \$400.00 to Flora Cohansedgh; and
9. \$300.00 to Dean Moorhead; and
10. \$300.00 to John Donovan; and
11. \$300.00 to Scott Hughes.

13 It is FURTHER AGREED that Respondent Brittenham shall provide the Department with written proof of such
14 payments within forty-five (45) days of the date of entry of this Consent Order. If restitution cannot be made to
15 any particular borrower, Respondent Brittenham shall take the necessary steps to escheat such funds to the State of
16 Washington and provide the Department with written proof of such action. The "written proof" at a minimum
17 must consist of copies of the front and back of cancelled checks.

18 **G. Investigation Fee.** It is AGREED that Respondent Brittenham shall pay to the Department an
19 investigation fee of \$2,771.24 on behalf of himself, Respondent Fidelity Mortgage Corporation, and Respondent
20 Nicholas Haines, each of which share joint and several liability, in the form of a cashier's check made payable to
21 the "Washington State Treasurer" upon entry of this Consent Order.

22 **H. Non-Compliance with Order.** It is AGREED that Respondent Brittenham understands that failure
23 to abide by the terms and conditions of this Consent Order may result in further legal action by the Director. In
24 the event of such legal action, Respondent Brittenham may be responsible to reimburse the Director for the cost
25 incurred in pursuing such action, including but not limited to, attorney fees.

1 **I. Voluntarily Entered.** It is AGREED that the undersigned have voluntarily entered into this Consent
2 Order, which is effective when signed by the Director's designee.

3 **J. Completely Read, Understood, and Agreed.** It is AGREED that the undersigned have read this
4 Consent Order in its entirety and fully understand and agree to all of the same.

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CONSENT ORDER
SCOTT BRITTENHAM

1 **RESPONDENT:**

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5 **SCOTT BRITTENHAM**

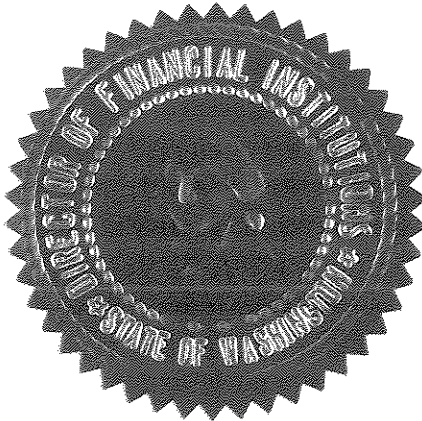
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Date

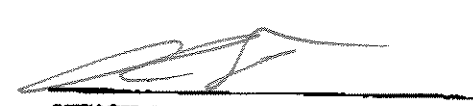
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7 **GREG CAVAGNARO, WSBA No. 17644**
8 **Attorney at Law**
9 **Attorney for Respondent Brittenham**

Date

10
11 **DO NOT WRITE BELOW THIS LINE**

12 **THIS ORDER ENTERED THIS 16th DAY OF NOVEMBER, 2005.**




CHUCK CROSS
Director
Division of Consumer Services
Department of Financial Institutions

CONSENT ORDER
SCOTT BRITTENHAM

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DEPARTMENT OF FINANCIAL INSTITUTIONS
150 Laurel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

11/04/2005 13:17 4255193551
11/04/2005 12:38 FAX 360 884 0229

LAWOFFICE :
ABO, BCE DIVISION -

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1 **RESPONDENT:**

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4 **SCOTT BRITTENHAM**

11-4-05
Date

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7 **GREG CAVAGNARO, WSBA No. 17644**
8 **Attorney at Law**
9 **Attorney for Respondent Brittenham**

11/4/05
Date

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11 **DO NOT WRITE BELOW THIS LINE**

12 **THIS ORDER ENTERED THIS 4th DAY OF NOVEMBER, 2005.**



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[Signature]
CHUCK CROSS
Director
Division of Consumer Services
Department of Financial Institutions

CONSENT ORDER
SCOTT BRITTENHAM

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DEPARTMENT OF FINANCIAL INSTITUTIONS
150 Third Rd SW
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